

EXHIBIT A



Brett M. Freeman

Attorney-at-Law

210 Montage Mountain Road

Moosic, PA 18507

(570) 589-0010

August 25, 2023

Ability Recovery Services, LLC
c/o Corporate Service Company
2345 Rice Street, Suite 230
Roseville, MN 55113

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

**RE: Geneen Wilson v. Ability Recovery Services, LLC
Lackawanna County Court of Common Pleas
Docket No. 23-cv-3323**

Dear Sir or Madam:

Enclosed please find a time-stamped complaint in the above-referenced matter. Please ensure that all evidence relevant to this matter is preserved. If you have any questions about what evidence would be relevant, please do not hesitate to contact me.

Sincerely yours,

Brett Freeman

Geneen Wilson
706 Tall Trees Drive
Scranton, PA 18505,

Plaintiff

v.

Ability Recovery Services, LLC
c/o Corporate Service Company,
2345 Rice Street, Suite 230
Roseville, MN 55113,

Defendant

IN THE LACKAWANNA COUNTY
COURT OF COMMON PLEAS

Civil Action

No.

23cv3323

Jury Trial Demanded

MAURI B KELLY
LACKAWANNA COUNTY
2023 AUG -8 A 9:20
CLERKS OF JUDICIAL
RECORDS CIVIL DIVISION

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by plaintiff(s). You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Northeastern Pennsylvania Legal Services
33 North Main Street, Suite 200
Pittston, PA 18640
Telephone (570) 299-4100

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| <p>MAURI B KELLY LACKAWANNA COUNTY</p> | |
| <p>Geneen Wilson, v. Ability Recovery Services, LLC, Defendant</p> | <p>2023 AUG -8 A 9:20 Plaintiff CLERKS OF JUDICIAL RECORDS CIVIL DIVISION</p> <p>IN THE LACKAWANNA COUNTY COURT OF COMMON PLEAS</p> <p>Civil Action</p> <p>No.</p> <p>Jury Trial Demanded</p> |

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (hereinafter ‘the Act’). Defendant made multiple calls to Plaintiff on a number assigned to a cellular telephone service using equipment regulated by the Act.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3), which permits an action for a violation of the Act to be brought in an appropriate state court.

3. Venue in this Court is proper in that Plaintiff resides here, the conduct complained of occurred here, and Defendant transacts business here.

III. PARTIES

4. Plaintiff is a natural person residing at 706 Tall Trees Drive, Scranton, PA 18505.

5. Defendant, Ability Recovery Services, LLC, is a corporation with a registered agent located at c/o Corporate Service Company, 2345 Rice Street, Suite 230, Roseville, MN 55113. At all relevant times, Defendant placed calls to individuals in this state.

IV. STATEMENT OF CLAIM

6. Plaintiff is, and at all relevant times was, a ‘person’ as defined by 47 U.S.C. § 153(39).’

7. Defendant is, and at all relevant times was, a ‘person’ as defined by 47 U.S.C. § 153(39).

8. Plaintiff has a cellular telephone number that she has had at all relevant times. Plaintiff has only used this number as a cellular telephone number, and does not believe that it was ever ported from a wireline service.

9. At all relevant times this phone number has been assigned to a cellular telephone service.

Count 1- Violation of the Act

10. The foregoing paragraphs are incorporated herein by reference.

11. Congress enacted the Act to prevent real harm. Congress found that “automated or pre-recorded calls are a nuisance and an invasion of privacy, regardless of the type of call” and decided that “banning” such calls made without consent was “the only effective means of protecting telephone consumers from this nuisance and privacy invasion.”

12. Defendant caused to be made twenty-four calls to Plaintiff’s cell phone number.

13. Defendant’s phone calls harmed Plaintiff by causing the very harm that Congress sought to prevent—a “nuisance and invasion of privacy.”

14. Defendant’s phone calls harmed Plaintiff by trespassing upon and interfering with Plaintiff’s rights and interests in Plaintiff’s cellular telephone and Plaintiff’s cellular telephone line.

15. Defendant’s phone calls harmed Plaintiff by intruding upon Plaintiff’s seclusion.

16. The calls made to Plaintiff's cell phone were made using either an automatic telephone dialing system, as that term is defined in 47 U.S.C. § 227(a)(1), or an artificial or prerecorded voice.

17. These telephone calls were not made for emergency purposes, as defined in 47 C.F.R. § 64.1200.

18. These telephone calls were not made with the Plaintiff's prior express consent.

19. These telephone calls were placed while Plaintiff was in the United States.

20. Pursuant to 47 U.S.C. § 227(b)(3), Plaintiff is entitled to an award of \$500.00 in statutory damages for each and every call Defendant caused to be made to Plaintiff's cellular telephone number.

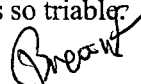
21. Plaintiff is also entitled to increased damages, as these calls were made willfully and/or knowingly, because Plaintiff specifically instructed Defendant to stop calling her

22. For each violation that was made willfully and/or knowingly, the Court may, in its discretion, increase the amount of the award to an amount equal to, but not more than, \$1,500.00 per call.

WHEREFORE, Plaintiff demands judgment against Defendant for statutory damages in the amount of \$36,000.00, costs, and such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.



Brett Freeman
Bar Number: PA 308834
Freeman Law
210 Montage Mountain Road
Moosic, PA 18507

MAURI B KELLY
LACKAWANNA COUNTY
Attorney for Plaintiff
Phone (570) 589-0010
2023 AUG -8 A 9:20

CERTIFICATION OF COMPLIANCE CLERKS OF JUDICIAL
RECORDS CIVIL DIVISION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



Brett Freeman
Bar Number: PA 308834
Freeman Law
210 Montage Mountain Road
Moosic, PA 18507
Attorney for Plaintiff
Phone (570) 589-0010

**Verification of Complaint and Certification
by Plaintiff Geneen Wilson**

Plaintiff, Geneen Wilson, being duly sworn according to law, deposes as follows:

1. I am the plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass the Defendant, cause unnecessary delay to the Defendant, or create a needless increase in the cost of litigation to the Defendant, named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 08 / 04 / 2023



Geneen Wilson, Plaintiff



Audit trail

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|-------------------------|--|
| Title | Complaint.pdf |
| File name | Complaint.pdf |
| Document ID | 75a0c24cd65dee90d0ad24ccd2cf66db4348fa18 |
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FREEMAN LAW

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Moosic, PA 18507



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c/o Corporate Service Company
2345 Rice Street, Suite 230
Roseville, MN 55113



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